

NORTH CAROLINA BOARD OF ETHICS

116 WEST JONES STREET

RALEIGH 27603803

(919) 733-5103

K D. KENNEDY JIB

CHAIRMAN

January 22, 1990

Mrs. Carla E. DuPuy  
Chairman  
Mecklenburg County Board of  
County Commissioners  
Charlotte, North Carolina 28202

Dear Mrs. DuPuy:

As mentioned in your letter of January 19, we appreciate your attempt to have a clear understanding of our concern regarding the potential conflict of interest as noted in our evaluation letter for your statement of economic interest.

As we mentioned, it seems that the Environmental Management Commission could be involved in issues which would specifically involve Mecklenburg County. As Chairman of the Mecklenburg County Commissioners this creates the potential for conflict of interest for you.

We define specifically as pertaining only to Mecklenburg County. For example, should Mecklenburg County apply for a permit issued by the EMC, you should abstain from voting on or discussing any matters relative to the permit. Or, should tile EMC undertake any enforcement actions pertaining to air and water pollution against Mecklenburg County, you should abstain from votingon or discussing any matters relative to the action.

In your letter, you mention that Mecklenburg County is one of three counties which currently operate a solid waste incinerator which would be covered by EMC regulations. Since the regulations are statewide in nature and would apply to all counties with incinerators, we would not consider the regulations as specifically involving Mecklenburg County. Therefore, we see no reason for you to abstain from considering the regulations, changes to the regulations, or things of this statewide nature. However, you should abstain should the EMC be engaged in any type of enforcement action against the Mecklenburg County

Mrs. Carla E. DuPuy  
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In summary, as a member of the Environmental Management Commission you have the duty to protect the statewide public interest. As a member of the EMC, you do not have the duty to promote Mecklenburg County, or look after its best interests. Therefore, you should abstain from voting on or discussing situations that would be beneficial only to Mecklenburg County rather than the statewide public interest.

Thank you for allowing us to explain our evaluation of your statement of economic interest. We are confident that you will serve the citizens of this state well.

Sincerely,

K. D. Kennedy, Jr.  
Chairman

KDK:md

cc: Governor James G. Martin  
Wilma Sherrill, Director of Appointments, Office of the  
Governor  
Charles Baker, Chairman, Environmental Management  
Commission  
John Hunter, General Counsel, Dept. of environment, Health  
and Natural Res.  
Sara Pressly, Associate County Attorney



*Mecklenburg County*  
*Waarb of County Commissioners*  
*Charlotte, North Carolina 822*  
**Telephone 7V4- ac3S, 1A7rt**

CARLA DuPUY  
CHAIRMAN

January 19, 1990

Mr. K. D. Kennedy, Jr., Chairman  
North Carolina Board of Ethics  
116 West Jones Street  
Raleigh, North Carolina 27603-8003

Dear Mr. Kennedy:

I am in receipt of your recent letter advising me of the No Carolina Board of Ethics' evaluation of my statement of economic interest. I feel it is very important to me personally, as Chairman of the Mecklenburg County Board of Commissioners and as an appointee of Governor Martin to the Environmental Management Commission, to have a clear understanding of the Board of Ethics' concern regarding the potential conflict of interest noted by your Board.

In an effort to clarify this issue, my staff contacted John Hunter, Chief Counsel for the Department of Environment, Health and Natural Resources. Mr. Hunter suggested that I seek a clarification from the Board of Ethics. Therefore, I would request that the Board provide me in writing a more definitive ruling of matters in which I should avoid participating in discussions and/or voting as a member of the Environmental Management Commission.

Specifically, it is very clear to me that I would abstain from voting on matters which were specific in nature to Mecklenburg County (for example, an enforcement action against Mecklenburg County). It is unclear to me if I should abstain from voting on regulations which are statewide in nature and affect Mecklenburg County as an entity of the State (for example, air quality regulations which would apply to every county). In this example, it is also worth noting that Mecklenburg County is one of only three counties which currently operate a solid waste incinerator which would be covered by these regulations. Therefore, would this preclude me from voting on these statewide regulations?

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I am pleased to have been appointed by the Governor to the Environmental Management Commission. Also, I feel that I bring the local elected official's perspective to the membership of the Commission. But I want to be very clear on which matters before the Commission I should avoid.

I would appreciate receiving your response prior to February 8, the date of the next Commission meeting. Thank you for your assistance.

Sincerely,

Carla E. DuPuy

CED/1-16.30

cc: Governor James G. Martin

Charles Baker, Chairman, Environmental Management Commission  
John Hunter, General Counsel, Dept. of Environment, Health and Natural Resources  
Wilma Sherrill, Director of Appointments, Office of the Governor  
Sara Pressly, Associate County Attorney

NORTH CAROLINA BOARD OF ETHICS  
116 WEST JONES STREET  
RALEIGH 27603

K D KENNEDY, JR.  
CHAIRMAN

January 2, 1990

The Honorable James G. Martin  
Governor of North Carolina  
Raleigh, North Carolina

Re: Evaluation of statement of economic interest filed by  
Carla E. DuPuy, Environmental Management Commission

Dear Governor Martin:

In accordance with ;'Action 7(a) of Executive Order Number One, we have completed our evaluation of Mrs. DuPuy's statement of economic interest.

We *did not* find actual conflict of interest.. However, there is potential for conflict of interest.

Mrs. DuPuy is Chairman of the Mecklenburg County Commissioners. The Environmental Management Commission could be involved in issues which would specifically involve Mecklenburg County. This possibility creates the potential for conflict of interest.

Because of this potential for conflict of interest, Mrs. DuPuy must exercise care in performing her duties as a member of the Environmental Management Commission to ensure that, conflict of interest is avoided.

We are sending,, a copy of this letter to the Chairman of the Board with the request that the potential for conflict of interest be read into the Board's minutes.

This letter and statement of economic interest n interest will be available for public inspection in three weeks.

Sincerely,

K. D. Kennedy, Jr.  
Chairman

cc: Mrs. DuPuy  
Chairman of Commission